

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIA DANIELLE SMITH

(List the full name(s) of the plaintiff(s)/petitioner(s).)

16 CV _____ () ()

-against-

RESCAP BORROWER CLAIMS TRUST

**MOTION FOR LEAVE TO
PROCEED IN FORMA
PAUPERIS ON APPEAL**

successor in interest to the RESCAP Debtors (Case No. 12-12020)

(List the full name(s) of the defendant(s)/respondent(s).)

I move under Federal Rule of Appellate Procedure 24(a)(1) for leave to proceed *in forma pauperis* on appeal. This motion is supported by the attached affidavit.

June 09, 2016

Dated

Signature

Smith, Tia Danielle

Name (Last, First, MI)

4011 Hubert Avenue, Los Angeles, California 90008

Address

City

State

Zip Code

(323) 803-3027

Telephone Number

myfathersdiamond@msn.com

E-mail Address (if available)

Application to Appeal In Forma Pauperis

Tia Danielle Smith v. RESCAP Debtors

Appeal No. 1:16-cv-01561

District Court or Agency No. _____

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: _____



Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: June 09, 2016

My issues on appeal are: (required): See attached Exhibit 1.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Self-employment	\$ 450.00	\$ N/A	\$ 0.00	\$ N/A
Income from real property (such as rental income)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A

Interest and dividends	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Gifts	\$ 200.00	\$ N/A	\$ 0.00	\$ N/A
Alimony	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Child support	\$ 200.00	\$ N/A	\$ 200.00	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Disability (such as social security, insurance payments)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Unemployment payments	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Public-assistance (such as welfare)	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Other (specify):	\$ 0.00	\$ N/A	\$ 0.00	\$ N/A
Total monthly income:	\$ 1350.00	\$ 0	\$ 200.00	\$ N/A

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
self-employed	4011 Hubert Avenue	5/1/16 -6/9/2016	\$ 500.00
	Los Angeles, CA 90008		\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 350.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Comerica	Checking	\$ 61.00	\$ N/A
Bank of America	Checking	\$ 70.00	\$ N/A
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$ 700,000.00	(Value) \$ 0.00	(Value) \$ 0.00
Title is currently being disputed		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$ 0.00	(Value) \$ 0.00	(Value) \$ 0.00
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
Charles Mays	\$ 54,000.00	\$ N/A
(Child support on order of court	\$	\$
monthly payments of \$200.00)	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age
N/A		

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home) Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ 0.00	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0.00	\$ N/A
Food	\$ 150.00	\$ N/A
Clothing	\$ 0.00	\$ N/A
Laundry and dry-cleaning	\$ 0.00	\$ N/A
Medical and dental expenses	\$ 0.00	\$ N/A

Transportation (not including motor vehicle payments)	\$ 0.00	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0.00	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 0.00	\$ N/A
Life:	\$ 94.00	\$ N/A
Health:	\$ 0.00	\$ N/A
Motor vehicle:	\$ 0.00	\$ N/A
Other:	\$ 0.00	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0.00	\$ N/A
Installment payments		
Motor Vehicle:	\$ 0.00	\$ N/A
Credit card (name):	\$ 0.00	\$ N/A
Department store (name):	\$ 0.00	\$ N/A
Other:	\$ 0.00	\$ N/A
Alimony, maintenance, and support paid to others	\$ 0.00	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ N/A
Other (specify):	\$ 0.00	\$ N/A
Total monthly expenses:	\$ 244.00	\$ N/A

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☒ Yes

☐ No

If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? ☐ Yes ☒ No

If yes, how much? \$ _____

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *Identify the city and state of your legal residence.*

City Los Angeles State California

Your daytime phone number: (323) 803-3027

Your age: 49 Your years of schooling: 12

Last four digits of your social-security number: 2841

EXHIBIT 1

Judge Glenn erred as a matter of fact and law when he entered the Interlocutory Decision and Order on October 1, 2015 eviscerating my Proofs of Claim 3889, 4129, 4134, and 4139 on an Objection filed by an entity, the RESCAP Liquidating Trust, which was not permitted to act on behalf of the RESCAP Borrower Claims Trust. The RESCAP Borrower Claims Trust has a fiduciary duty to the Homeowner Claimants. The RESCAP Liquidating Trust is adverse to the Homeowner Claimants and was specifically prohibited from taking actions on behalf of the RESCAP Borrower Claims Trust.

My claims involve a damages I suffered and restitution I am owed as the result of a common scheme in which the RESCAP Debtors engaged throughout the nation leading up to the "Residential Mortgage Crisis." The scheme is initiated with the acquisition of Notes and Mortgages or Deeds of Trust (collateral documents) under pretense that the homeowner was entering into a conventional residential real estate finance transaction. The collateral documents are securities and were being acquired by unlicensed and unregulated securities brokers in violation of the Securities and Exchange Act under pretense that mortgage loans were being made. The transactions were not mortgage loans, but purchases of securities for unregulated, unlicensed re-sale to undisclosed third parties. The collateral documents (Notes and Mortgages or Deeds of Trust) acquired as collateral for securities offerings, without disclosure to the homeowners or their consent to engage in the securities transaction. Profits were taken at every step of the "securitization" profit as fees which were not disclosed to the homeowners, like myself. The ultimate goal of the securities transactions was to obtain payment in full of the Notes and Deeds of Trust through third party payments and then to foreclose on the collateral to avoid having to account for the multiple payments in full receive by engineering the defaults necessary to trigger the third party payments.

In order to foreclose on my home, claimed as collateral by an undisclosed REMIC Trust eventually identified as the RALI Series 2007-QO1 Trust, RESCAP Debtor GMAC Mortgage, LLC (GMACM) employee, Judy Faber, endorsed my Note in favor of Deutsche Bank Trust Company Americas (DBCTA) as Trustee without identifying the RALI Series 2007-QO1 Trust as the Trust for which DBCTA was acting as Trustee. The Faber endorsement identified Ms. Faber as Vice President of Residential Funding Company, LLC (RFC) which she never was. Therefore, under California law and the law of most states, the Faber endorsement is a forgery.

The RALI Series 2007-QO1 Trust sold securities from the headquarters of RESCAP Debtor, Residential Accredited Loans, Inc. (RALI) in Minnesota but never complied with Minnesota law in order to do so. Moreover, the RALI Series 2007-QO1 Trust claimed to be located in the State of Minnesota, but there is no record of a Trust identified as RALI Series 2007-QO1 having ever been filed in the State of Minnesota. My efforts to defend my home from the fraudulent claims emanating from the Faber endorsement and the subsequent transactions have been substantially defeated as the result of the fraudulent acquisition and sales of my collateral documents about which I was never informed and from which profits were made by third parties undisclosed to me and my home has been fraudulently foreclosed.

Judge Glenn essentially granted summary judgment in the equivalent of Rule 12(b)(6) proceedings on the Motion framed as an objection to my Proofs of Claim filed by the RESCAP Liquidating Trust on all but one of my claims. I have been denied procedural due process by Judge Glenn's Decisions and Orders. I am entitled to redress from the damages and losses I have suffered by the RESCAP Debtors' securitization scheme.